Constructor Guideline

Health and Safety Guidelines

Constructor Guideline

Occupational Health and Safety Branch
Ministry of Labour

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FOREWORD

This Guideline has been prepared to assist construction project owners, contractors and subcontractors in understanding who the constructor is under the Occupational Health and Safety Act (Act). This Guideline is not intended to replace the Act or its regulations. In any case where this Guideline may differ from the Act and its regulations, the legislative provisions prevail.

This Guideline does not constitute legal advice and has no legal effect. If you require assistance with respect to the interpretation of a legislative provision and its potential application in specific circumstances, please contact your legal counsel.

While this Guideline will also be available to Ministry of Labour inspectors, they will apply and enforce the Act and its regulations based on the facts as they may find them in the workplace. This Guideline does not affect their enforcement discretion in any way.

1. INTRODUCTION

The Occupational Health and Safety Act (the Act) defines "constructor" and details the duties of a constructor. Whenever there is a "project", there is a "constructor." Who the constructor is at a particular time or particular phase of the project can sometimes be difficult to determine and may change due to the dynamic nature of the work, the numerous parties involved, and the continuous change in the workforce due to the very nature of construction work.

This Guideline provides assistance in answering the following questions:

- Who is a constructor?
- Who is an owner?
- Does every construction project have an owner and a constructor?
- What are the key duties of a constructor?
- What is the relationship of the constructor to the other parties on a project?
- What is the extent of a construction project?

2. FREQUENTLY ASKED QUESTIONS

Who is a constructor?

The intent of the Act is to have **one** person with overall authority for health and safety matters on a project. This person is the **constructor** of the project.

Section 1 of the Act defines "constructor" as "a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer". The dictionary definition for "undertake" is "make oneself responsible for", which means a constructor is a person who is responsible for a project. The definition of "employer" in section 1 of the Act includes contractors and subcontractors. "Project" is also defined in section 1 of the Act.

The constructor is the party with the greatest degree of control over health and safety at the entire project and is ultimately responsible for the health and safety of all workers. The constructor must ensure that all the employers and workers on the project comply with the Act and its regulations.

Who is an owner?

Section 1 of the Act defines "owner" as including "a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a workplace, and a person who acts for or on behalf of an owner as an agent or delegate".

Does every construction project have an owner and a constructor?

Every project that is governed by the Act has both an owner and a constructor. The constructor will either be the owner of the project or a third party contracted by the owner to undertake the project for the owner.

However, an owner who engages an architect, professional engineer or other person solely to oversee the quality control of the work at a project does not necessarily become a constructor (subsection 1(3) of the Act). Such an owner could engage a third party as a constructor as well as the person engaged only to oversee the quality control of the project.

The following examples illustrate some common situations for all owners of projects, including homeowners. Work in or about a private residence, performed solely by the homeowner or occupant (or a servant of either), is not subject to the Act. However, where the homeowner hires anyone to do the work, the Act applies in respect of that work. Who the constructo, would be would depend on the circumstances.

- When an owner hires only one employer (contractor) to do all the work on a project, then that contractor is undertaking the work and is the constructor. This contractor is often referred to as the general contactor.

    - In the situation above, the general contractor may, in turn, subcontract some or all of the work to another party. He or she remains the constructor for the project, as long as he or she is the only party with whom the owner contracts to undertake the project.

    - In the situation above, if the owner is an employer who assigns his or her workers to work on the same project as the general contractor, he or she may become the constructor if the general contractor was not informed of and did not agree to the presence of the owner's workers and does not exercise control over them. However, if the general contractor agrees to use the owner's workers and to direct their work, he or she will remain the constructor.

- When an owner undertakes a project by contracting with more than one employer (contractor), the owner is undertaking the project and is the constructor.

- When an owner contracts with more than one employer (contractor), the owner may enter into a contractual agreement with one of these employers or a third party to undertake the project on behalf of the owner. Provided the owner has relinquished control over the project and the employer or third party has assumed control, that employer or third party is the constructor, even if the owner is paying the other contractors on the project. The owner may also engage the services of a professional engineer, an architect, or another person solely to oversee the quality control of the project without becoming the constructor.

- Generally, when an owner of a project is an employer and uses his or her own workers to carry out that project, the owner is undertaking the project and is the constructor.

In summary, on **all** projects, either the owner or someone hired by the owner is the constructor. However, if the work is being performed by a homeowner or occupant (or a servant of either) in or about a private residence the Act does not apply in respect of that work.

Everyone involved with a construction project should be clear on who is undertaking the project, who the constructor is, and the responsibilities of all of the parties associated with the project. It is important to put this information in writing.

What are the key duties of a constructor?

Constructors have the following key responsibilities, on the projects that they undertake:

- ensure that the measures and procedures prescribed by the Act and its regulations are carried out on the project,
- ensure that every employer and every worker performing work on the project complies with the Act and its regulations,
- ensure that the health and safety of workers on the project is protected,
- ensure that a health and safety representative or a joint health and safety committee is selected or established, when and as required,
- ensure that the Ministry of Labour is notified of a project, when and as required,

- ensure that the Ministry of Labour is notified of an accident or occurrence, when and as required,
- ensure that every contractor or subcontractor receives a list of all designated substances present at the project before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project,
- ensure that written emergency procedures are established for the project and posted, and
- appoint a supervisor for every project at which five or more workers will work at the same time.

For a more detailed list of constructor duties, see the appendices. Constructors who are also employers, and constructors who are also project owners, have other duties under the Act and its regulations that must be fulfilled.

What is the relationship of the constructor to the other parties on a project?

The constructor has overall responsibility on a project for compliance with the Act, the Regulation for Construction Projects (O. Reg. 213/91) and other applicable regulations. The constructor may also have duties as an employer or as an owner.

What is the extent of a project?

Individual projects are typically identified by their location, the owner of the project, and the time frame for construction activities to be undertaken by the identified constructor at that particular location.

The owner of an industrial establishment, a factory, a hospital, a production plant or municipal premises may decide to undertake the project by himself/herself (and thus become the constructor); alternatively, that owner may contract the construction activities on their premises to one general contractor, who would be in charge of undertaking the construction activities for the owner (and thus would be the constructor of the project).

Typically, construction activities taking place at the premises of one address owned by a person (individual, group of individuals, partnership, or corporation) during a determined period of time with an identified goal – of erecting a new building or conducting repairs, structural maintenance, addition or demolition of an existing

structure – are deemed to be part of a single project, which would have an owner and constructor (who may or may not be the same as the owner).

Pursuant to section 4 of O. Reg. 213/91, the owner of such a project may request a Director at the Ministry of Labour to designate part of a project as a project for the purposes of the Act and the regulation. Each designated project would have its own separate constructor. The Director, in considering such a request, would look at the possibility for separating the construction activities being undertaken, either in space or in time.

Space considerations would include independent access and egress, toilets and wash-up facilities. Clear boundaries should exist among the various projects requested to be identified as separate. The extent to which each potential constructor for each project would have control over the construction activities carried out on that project and over the health and safety of the workers on that project, independently from the other projects, would be instrumental in the Director's decision. Each one of the separate projects would have its own Joint Health and Safety Committee or Health and Safety Representative, when and as required, independently from the other project or projects.

Construction activities taking place at the same address, with one owner, may be considered separate projects when the activities are clearly separated in time. For instance, demolishing an old structure and erecting a new one could be undertaken as two separate projects: Project A (consisting of demolishing the old building and removing the resulting debris) would be undertaken by constructor C1, and Project B (consisting of erecting a new structure) would be undertaken by constructor C2. In this instance, Project B starts only after the completion of Project A. If there were to be any overlap in time between the two projects, the owner would have to apply to a Director of the Ministry of Labour to designate them as separate projects.

3. CASE STUDIES

The following case studies are intended to provide general guidance through the use of examples. They do not constitute determinations by the Ministry of Labour and have no legal effect. Identification of the constructor must be determined on a case-by-case basis having regard to all the circumstances.

3.1 *The owner of a chain of department stores hires a contractor, ABC Builders, to erect a large box-type store. The owner is only paying this contractor to construct the shell of the store. The owner subsequently hires (and pays) two other contractors to do work on the store. One contractor is hired to do the electrical work and another to do the interior finishing. However the owner has entered into a contractual agreement with "ABC Builders" to take on the role of a constructor under the Act. ABC Builders is willing to take on this role and agrees to undertake the responsibility of overseeing all other employers on the project. Who is the constructor?*

"Undertake" does not simply mean "pay". The fact that ABC Builders is willing to take on the role of constructor and ABC Builders' contracts with the owner to do so is evidence that ABC Builders is the constructor.

If, however, it became evident that the owner retained a significant degree of control over the project, or the contractors doing the electrical and interior work were not under the authority of ABC Builders, the owner could be deemed to be the constructor.

3.2 *A hospital is having a new x-ray facility constructed. A contractor is hired to carry out the project. Before the project is completed, the hospital arranges to have a new x-ray machine installed by its supplier. Who, apart from the supplier, should be responsible for the safe installation of the x-ray equipment?*

If the hospital introduced the x-ray machine supplier to the contractor, asked the contractor to coordinate the work with the supplier, and amended the contractual agreement with the contractor to reflect the situation, and the contractor did, in fact, exercise control over the installation, that would serve as strong evidence that the contractor was the constructor for the purpose of the installation.

However, if the hospital decided to allow the supplier to install the x-ray machine, and the hospital rather than the contractor exercised control, then the hospital would become the constructor for the whole project, and would have all of the

responsibilities of a constructor. However, once the x-ray machine supplier finished the installation work, the original contractor could be considered the constructor again if the hospital can establish that it is no longer exercising control over the project and can demonstrate that the original contractor has resumed control over the project

As a formal matter, it is very important for the owner (in this case, the hospital) to clarify who the constructor is, in writing, and to have the designated constructor's signature on such an agreement. As a substantive matter, who is actually exercising control is a critical consideration

3.3 *An owner hires a third party (such as a project manager) to oversee the construction of a high-rise office tower. The third party schedules the work, ensures its quality, and advises the owner when payments are to be made to the contractors, who are working under contract to the owner. The third party hires or approves the hiring of the contractors on the project. That third party also looks after safety on the project and files a Notice of Project form with the Ministry of Labour stating that he or she is the constructor. Who is the constructor?*

The project manager, hired by the owner, would likely be considered to be the constructor as he/she is exercising control over the project, and also explicitly agreed to this role by signing the Notice of Project form and filing it with the Ministry of Labour, identifying himself/herself as the constructor.

3.4 *If the third party in Case Study 3.3 does not file a Notice of Project form with the Ministry of Labour (assuming the project does not warrant such filing as it does not fall within the parameters outlined in section 6 of O. Reg. 213/91), who is the constructor?*

This would depend on a substantive assessment of the situation: e.g. Who is undertaking the project? Who is exercising control? Who is subject to what contractual obligations? etc.

3.5 *Who is the constructor if, as in Case Study 3.3, the owner brings in and oversees contractors to do specific work (such as painting and plumbing) in the same areas of the project that is being worked on by contractors who are being overseen by the third party?*

The owner would be the constructor, because the third party would only be undertaking part of the project. Despite having initially identified himself/herself as the constructor, the third party has no control over the additional contractors brought in by the owner. The owner in this case is directly undertaking parts of the project and he or she therefore has altered the conditions under which the third party accepted the constructor's role and was made the constructor.

The third party would still be the constructor if he or she agreed to, and did oversee the additional contractors. Such an agreement between the third party and the owner should be in writing.

3.6 *The owner of a mall is conducting some repairs in the parking lot/mall entrance while individual storeowners (or renters) in the mall are conducting construction activities within the boundaries of their own premises. Who is the constructor?*

It is likely that there are several projects and several constructors. The parking lot/mall entrance repairs likely constitute one project. The constructor would be the mall owner, or someone hired by the mall owner to undertake the project on its behalf. In addition, each individual store is a project. Each storeowner, or someone hired by that owner to undertake the project on its behalf, would be the constructor for that particular project.

3.7 *A factory is adding a new production line at the north-east corner of its facility. A general contractor, BUD, has been hired to undertake the construction of this new production line. At the same time, the factory decides to upgrade its storage facilities, located at the north-west corner of their premises. It hired a contractor, DUB, to undertake this upgrade, consisting of structural maintenance and the addition of one storey to the existing storage space. Contractual agreements with both contractors, BUD and DUB, stipulate that they must comply with the Health and Safety Policy of the factory while doing work on its premises. The factory has the two contractors each submit a Notice of Project to the Ministry of Labour, each identifying himself as the constructor for the project contracted with the factory. Both contractors will be doing the work at the same time and sharing the entrance to their respective projects. They will also share the washrooms and washout facilities. How many projects are there? How many constructors are there? Who are they?*

The factory owner or operator having contracted two parties at the same time to carry out construction activities at the same address, would likely be considered the constructor, in spite of the fact that each of the contractors filed a Notice of

Project stating that they are the Constructor on their project. The two contractors share the entrance, they share washroom facilities, and they are located at the same address, which is owned by the same owner and are carrying out construction activities at the same time. Unlike Case Study 3.3, where the third party was responsible for the entire construction of an office tower, it is the owner here who is undertaking the project by hiring two contractors, unless a Director designates two separate projects, under section 4 of O. Reg. 213/91, one undertaken by DUB and the other by BUD.

3.8 *An owner leases land to a company, which then arranges for the construction of a retail outlet on the leased land. Under the terms of the lease, the owner is responsible for site improvements, such as parking lots and roads, and hires a contractor to do this work. Workers constructing the retail outlet must cross the road/parking lot project to access their project. Who is the constructor?*

There are two separate owners: the owner of the land and the lessee (under the Act, "owner" is defined as including a lessee) and two separate projects, despite the fact that they are physically joined. Each project would have its own constructor.

Because the projects are physically joined, the constructor doing the work on the parking lot/road would have to provide safe access to everyone who needed to get to the retail outlet project, primarily the other constructor's workers. Safe access would likely be through a barricaded portion of the outside project, which would have to be equipped with adequate hoarding or overhead protection to ensure the safety of everyone passing through.

The constructor of the retail outlet would have the responsibility to ensure that safe access and egress for their workers has been provided by the constructor doing the work on the parking lot/roads.

3.9. *A homeowner hires Contractor A to do home renovation. Contractor A in turn hires subcontractors to help him/her out. Then the homeowner hires another contractor, Contractor B to do something outside of the scope of work for Contractor A. Both contractors work simultaneously on the house. Who is the constructor?*

Given that the homeowner is undertaking the project (the home renovation) by more than one employer/contractor, the homeowner would be the constructor, and would have overall responsibility for health and safety on the project.

3.10. The homeowner in Case Study 3.9 asks Contractor A to assume the role of the constructor on the home renovation project, and to oversee the work being done by Contractor B. Contractor A agrees to this arrangement. Furthermore, the homeowner advises Contractor B that Contractor A is the constructor, and that accordingly Contractor B should follow instructions as given by Contractor A. However, the homeowner will still be paying Contractor B. These arrangements are documented in writing. Who is the constructor?

Provided these arrangements are reflected on the project, Contractor A would be the constructor.

3.11 A homeowner hires a contractor to do construction work: repairs and addition of a new section to the existing home. However, the homeowner decides to supply the construction materials to the contractor and also to direct the work. Who is the constructor?

Because the owner has assumed direction over the work, the owner becomes the constructor. If the owner were not to direct the work, the contractor hired to do the construction work would be the constructor, as he or she would have been undertaking the construction project for the owner. Once the owner decides to direct the work, he or she becomes the one undertaking the project. Having decided to hire a contractor does not change the fact that the owner is directly in control of construction (directing the work) and of the health and safety of the workers.

If the homeowner was only to supply the construction materials to the contactor and have the contractor do all the repairs and build the new section, the contractor may be considered the constructor.

APPENDIX A

Constructor's Duties under the Occupational Health and Safety Act, R.S.O. 1990, c. O.1

The following chart sets out a summary of the duties of a constructor. While efforts have been made to ensure accuracy and completeness, the chart is intended for general guidance and assistance only. It does not constitute legal advice and does not replace the legislative provisions. In the event of any inconsistency between the chart and the Occupational Health and Safety Act and applicable regulations, the latter prevails. For the purpose of determining the precise duties of a constructor, reference should always be made to the official volumes of the Occupational Health and Safety Act and applicable regulations.

Duty	Section of Act
To cause the workers to select at least one health and safety representative at a project or other workplace where no committee is required under section 9 and where the number of workers regularly exceeds five.	8(1)
To agree upon a schedule of health and safety inspections, allowing the health and safety representative to inspect the physical conditions of the workplace at least once a year, inspecting part of the workplace each month – if a health and safety inspection cannot be completed at least once a month.	8(8)
To provide a health and safety representative with information and assistance as the member may require for the purpose of carrying out an inspection of the workplace.	8(9)
To respond in writing within 21 days to written recommendations from a health and safety representative (H&S Rep) based on a worksite health and safety inspection.	8(12)
To ensure that the written response required in section 8(12) contains a timetable for the implementation of the recommendations that the constructor agrees with, and an explanation for the recommendations he/she does not agree with.	8(13)
To cause the selection and maintenance of a Joint Health and Safety Committee (JHSC) for a workplace where and as required	9(3)and 9(4)
To select the members of the JHSC that exercise managerial functions and, to the extent possible, do so at the workplace	9(9)
To ensure that at least one of the JHSC members representing Management and at least one of the members representing workers are certified when the project has 50 or more workers that are regularly employed and is expected to last more than three months.	9(12)(13)
If there is more than one certified JHSC member representing Management, the constructor shall designate one or more of them who then becomes solely entitled to exercise the rights and required to perform the duties under this Act, of a certified member representing a constructor.	9(16)

Duty	Section of Act
If a certified member resigns from the JHSC or is unable to act in his or her functions, the constructor shall take all steps necessary to ensure that the requirements for certified members are met.	9(17)
The constructor is to provide the JHSC with the following information upon request; (i) the identification of potential or existing hazards of materials, processes or equipment, and (ii) health and safety experience and work practices and standards in similar or other industries of which the constructor has knowledge.	9(18)(d)
Provide the JHSC with any information concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a workplace, and consult with the JHSC and have them represent the workers and be present while such testing is conducted	9(18)(e) & 9(18)(f)
A constructor who receives written recommendations from the JHSC must respond within 21 days	9(20)
The constructor will ensure that the written response required in section 9(20), contains a timetable for the implementation of the recommendations that the constructor agrees with, and an explanation for the recommendations the constructor does not approve of.	9(21)
The constructor will provide the JHSC member with any information required for them to perform their workplace inspections	9(29)
The constructor is responsible for posting the names and work locations of all JHSC members in a conspicuous location where they will come to the attention of most workers	9(32)
The constructor is responsible for consulting with a JHSC member, or health and safety rep, regarding proposed testing strategies for investigating industrial hygiene in workplaces; and providing the representative with information on these strategies.	11(1) & 11(2)
The constructor shall ensure, on a project undertaken by the constructor that, (a) the measures and procedures prescribed by this Act and the regulations are carried out on the project; (b) every employer and worker performing work on the project complies with this Act and the regulations; and (c) the health and safety of workers on the project is protected.	23(1)
Where so prescribed, a constructor shall, before commencing any work on a project, give to a Director notice in writing of the project containing the presribed information.	23(2)
The constructor for a project shall ensure that each prospective contractor and subcontractor for the project has received a copy of the list of designated substances that are present on the job site, before the prospective contractor or subcontractor enters into a binding contract.	30(4)
If certified members of the JHSC determine that a dangerous circumstance exists and direct the constructor to stop work or stop the use of the equipment, machine or thing, the constructor must immediately comply with this request in a manner that will not endanger a person. (Bilateral work stoppage)	45(5)
After taking steps to remedy the dangerous circumstances, the constructor may request the certified members or an MOL inspector to cancel the direction	45(7)

Duty	Section of Act
The constructor must comply immediately with a direction from a certified member to sop work or stop the use of any equipment, machine or thing if the certified member finds that dangerous circumstances exist and ensure that compliance is effected in a way that does not endanger a person	47(3)
After complying with the direction, the constructor must promptly investigate the matter in the presence of the certified member	47(4)
The constructor shall notify an inspector, JHSC/health and safety rep, and trade union (if any), where a person is killed or critically injured from any cause at a workplace. This is to be done immediately by telephone, or other direct means.	51(1)
Where a notice or report is not required under section 51 or 52, the constructor who has an accident, explosion, fire, flood, failure of any equipment or machine, cave-in, or other incident as prescribed occur at a project site, shall within two days provide notice in writing of the occurrence to a Director, committee, health and safety rep and trade union (if any).	53
If required in writing by an inspector, the constructor is to provide a report bearing the seal and signature of a professional engineer stating, (i) load limits of a floor, roof or temporary work or part of a building, structure or temporary work, (ii) that a floor, roof or temporary work is capable of supporting or withstanding the loads being applied to it or likely to be applied to it, or (iii) that a floor, roof or temporary work, or part of a building, structure or temporary work is capable of supporting or withstanding all loads to which it may be subjected without causing the materials to be stressed beyond the allowable unit stresses established under the Building Code Act or established by regulation.	54(1)(M)
Where an inspector makes an inspection under the powers conferred by the Act, the constructor shall afford a JHSC member, a health and safety representative or a knowlegeable worker selected by the trade union(s), an opportunity to accompany an inspector during his/her physical inspection of the workplace or parts thereof.	54(3)
Where an inspector finds a contravention of the Act or the regulations, he or she may order the constructor (among others) to comply with the provision and may require the order to be carried out (forthwith, or within the specified time frame). Failure to comply with an order constitutes an offence	57(1), 66
To post a copy or copies of orders or reports issued by an Inspector in a conspicuous place at the workplace where it is most likely to come to the attention of the workers and shall provide the JHSC or health and safety rep. with a copy; and if the order resulted from a complaint of a contravention of the Act or regulations, provide a copy of it to the person who made the complaint if the complainant requests it.	57(10)
Where an order has been made under section 57(6)(c), not allow a worker to enter the workplace except for the purpose of doing the work necessary or required to remove the danger or hazard and only where the worker is protected from the danger or hazard.	58
To submit a notice of compliance to the Ministry within three days of receiving an order, if the constructor believes compliance with the inspector's order has been achieved.	59(1)

Duty	Section of Act
The constructor shall sign the notice and ensure the following information accompanies it, (a) a statement of agreement or disagreement with the contents of the notice, signed by a member of the JHSC or by a health and safety representative, or (b) a statement that the member or representative has declined to sign the statement.	59(2)
The constructor must post the notice and the order for a period of fourteen days following its submission to the Ministry in a place or places in the workplace where it is most likely to come to the attention of workers.	59(3)

APPENDIX B

Constructor's Duties under the Regulation for Construction Projects
Ontario Regulation 213/91

The following chart sets out a summary of the duties of a constructor. While efforts have been made to ensure accuracy and completeness, the chart is intended for general guidance and assistance only. It does not constitute legal advice and does not replace the legislative provisions. In the event of any inconsistency between the chart and the Occupational Health and Safety Act and applicable regulations, the latter prevails. For the purpose of determining the precise duties of a constructor, reference should always be made to the official volumes of the Occupational Health and Safety Act and applicable regulations.

Duty	Section of Regulation
Complete an approved registration form before beginning work at a project	5
Ensure that each employer on the project provides a completed approved registration form	5
Ensure that a copy of the employer's completed registration form is kept on the project while the employer is working on the project	
Where the nature of the project requires it, complete and file a Notice of Project (NOP) at the Ministry Office closest to the project generally before beginning work	6
Post the NOP in a conspicuous place on the Project	6
If NOP is not required but project includes work on a trench more than 1.2 metres deep into which a worker may enter, notify, **by telephone or fax,** the Ministry Office located nearest to the project before work begins	7
A constructor who submits a report under subsection 51 (1) of the Act (notice of death or injury) or gives a notice under section 52 or 53 of the Act (notice of accident, etc.) shall also provide, within 14 days after the occurrence, a professional engineer's written opinion stating the cause of the occurrence.	12
Post in a conspicuous place at the project, and keep posted while work is done, a notice setting out: 1. The constructor's name, and if the constructor carries on business in a different name, the business name 2. The address and telephone number of the constructor's head office or principle place of business in Ontario 3. The address and phone number of the nearest office of the Ministry 4..Within 48 hours of selection for a project, the name, trade and employer of each H&S Rep or JHSC member	13
Appoint a supervisor for each project with 5 or more workers working at the same time	14
Establish written Emergency Procedures at a Project and ensure that they are followed in case of an emergency; Post them in a conspicuous place at the project; review them with JHSC or H&S Rep as applicable	17

Duty	Section of Regulation
Ensure that each worker has ready access to a telephone or other system of two-way communication system on the project in the event of an emergency	18
Keep records required by this regulation for at least one year after the project completion	19
The constructor shall keep the design of a horizontal life line system at the project while the system is in use.	26.9(8) para 6
Ensure that facilities (toilet, urinal and clean-up facilities) are provided or arranged at a project before the project is started and that each worker has reasonable access to such facilities.	29(3)
If the location of the facilities is varied, the constructor shall document in writing the locations and reasons for the variance and provide the document to the JHSC, H&S Rep or workers as applicable or the workers if there is no JHSC or H&S Rep.	29(9)
The constructor shall inform the workers of the location of the facilities & post such a location in a conspicuous place on the project if it is practical to do so	29(10)
The constructor shall keep at the project for the duration of the project a record of the servicing, cleaning and sanitizing of the facilities and the variance document required under subsection 29(9)	29(12)
If a temporary standpipe is installed in a building under construction, the constructor shall post at the project, or have available for review, a floor plan of the building indicating, (a) the location of the hose outlets on each floor; (b) the location of the point on the perimeter of each floor that is furthest from the hose outlet on that floor; and (c) the location of each exit on each floor.	57(11)
Re temporary standpipe: The constructor shall give a copy of the floor plan to the fire department located nearest to the project.	57(12)
The constructor shall keep the design drawings for formwork and falsework and the statements from the person who carried out the inspection (Professional engineer or competent worker) of such works on the project while the formwork or the falsework is in use.	89(5)
The constructor shall keep the design drawings on the project while the formwork, falsework or re-shoring is in use.	92(2)
The constructor shall give notice to the Ministry office located nearest the project, in person, by telephone, by fax or by electronic means before the first multi-tiered load hoisting operation is started at a project	103.1(10)
The constructor shall make available to an inspector upon request a copy of the certification by the professional engineer, who would have verified and certified the results of a test on the structural components of a scaffold and the corresponding rated load of the scaffold.	127(3)
The constructor shall keep at a project the design drawings and the written statement for a scaffold, while the scaffold is erected, for scaffolds designed by a professional engineer.	130(5)
The constructor shall keep a copy of the design drawings and the required statement on a project while the suspended scaffold or suspended platform that is subject to the requirements of the section is on the Project	139(7)

Duty	Section of Regulation
Before a multi-point suspended scaffold is erected, the constructor shall ensure that the professional engineer responsible for the structural integrity of the permanent building or structure from which the scaffold is suspended provides a written report approving the design loads imposed on the building or structure by the scaffold	142.2 (14)
Before erecting or dismantling a multi-point suspended scaffold, the constructor shall give notice, in person, by telephone, by fax or by electronic means, to the Ministry office located nearest the project	142.3 (1)
The constructor must keep a copy of the required professional engineer's report and design drawings, any written approvals of deviations from the design drawings (approved by a professional engineer) and the inspection report of a professional engineer in respect of a multi-point suspended scaffold	142.4
The constructor of a project where a multi-point suspended scaffold is used shall keep a written record of all inspections, tests, repairs, modifications and maintenance performed on the scaffold and make copies of the record available to an inspector upon request.	142.8 (1)
Before beginning any hoisting operation involving a worker using a work platform, bucket, basket, load, hook, sling or similar device that is capable of moving and is supported by the cable to a crane or similar hoisting device, the constructor shall notify by telephone an inspector in the office of the Ministry of Labour nearest to the project	153 (11)
The constructor shall keep all design drawings, test reports, written statements and certification documents required under this section with the crane at all times during the hoisting operation	153 (14)
On request, the constructor shall provide an inspector with copies of any document described in subsection (14)	153 (15)
The constructor shall keep at the project while a tower crane is erected a copy of the signed design drawings for its foundation, shoring and bracing and any written opinion about the drawings by a structural engineer.	157(6)
The constructor shall keep the report of the non-destructive testing approved by the Canadian General Standards Board of the structural elements and components of a tower crane, at the project while the crane is erected	158(3)
The constructor shall keep the report prepared by a professional engineer or competent worker designated by a professional engineer who had conducted a required inspection of a tower crane at a project while the crane is erected	159(5)
The constructor shall ensure that the structural engineer responsible for the structural integrity of a building or structure reviews and approves in writing the design drawings and specifications for a derrick, stiff-leg derrick or similar hoisting device before it is installed.	166(4)
The constructor shall keep a copy of the design drawings and specifications for a derrick, stiff-leg derrick or similar hoisting device and the report prepared under subsection (6) at a project while the derrick, stiff-leg derrick or similar hoisting device is on the project.	166(7)
The constructor shall take precautions against hazards caused by helicopter rotor downwash.	167(4)

Duty	Section of Regulation
A constructor shall, (a) establish and implement written measures and procedures adequate to ensure that no part of a vehicle or equipment or its load encroaches on the minimum distance permitted by subsection (2); and (b) make a copy of the written measures and procedures available to every employer on the project.	188(4)
The constructor shall, (a) ensure that written measures and procedures for complying with this section are established and implemented, so that workers are adequately protected from electrical shock and burn; and (b) make a copy of the written measures and procedures available to every employer on the project.	191(4)
Before any worker enters the confined space or begins related work with respect to the confined space, the constructor shall prepare a co-ordination document to ensure that the duties imposed on employers by this Part are performed in a way that protects the health and safety of all workers who perform work in the confined space or related work with respect to the confined space.	221.4(2)
The constructor shall provide a copy of the co-ordination document to each employer of workers who perform work in the same confined space or related work with respect to the same confined space; and to the project's joint health and safety committee or health and safety representative, if any.	221.4(3)
The constructor shall provide a copy of the confined space program to the project's joint health and safety committee or health and safety representative, if any.	221.5(4)
The constructor shall ensure that a copy of the program is available to, (a) any other employer of workers who perform work to which the program relates; and (b) every worker who performs work to which the program relates, if the project has no joint health and safety committee or health and safety representative.	221.5(5)
If there is a possibility of unauthorized entry into a confined space at a project, the constructor shall ensure that each entrance to the confined space, (a) is adequately secured against unauthorized entry; or (b) has been provided with adequate barricades, adequate warning signs regarding unauthorized entry, or both.	221.15
If an excavation may affect the stability of an adjacent building or structure, the constructor shall take precautions to prevent damage to the adjacent building or structure.	229(1)
The constructor shall keep on the project a copy of every opinion given by a professional engineer, for the purpose of an excavation that is not a trench and is not made in Type 4 soil and with respect to which a professional engineer has given a written opinion that the walls of the excavation are sufficiently stable that no worker will be endangered if no support system is used, while the project is in progress.	234(4)
The constructor shall keep the design drawings and specifications for a prefabricated, hydraulic or an engineered support system at a project while the system is on the project.	236(7)

Duty	Section of Regulation
The constructor shall file with a Director two copies of the design drawings and specifications for an engineered support system before it is used on the project.	236(8)
Before a support system is used for repairing underground pipe breaks, the constructor shall submit two copies of its design drawings and specifications to the office of the Ministry of Labour nearest to the project.	237(3)
If a shaft is to be cut in sound rock, the constructor shall obtain a written opinion from a professional engineer as to whether the walls of the shaft need to be supported by rock bolts or wire mesh to prevent the spalling of loose rock.	279(3)
The constructor shall submit to a Director duplicate copies of design drawings for the shoring and bracing before construction of the shoring and bracing is begun.	280(4)
The constructor shall keep a copy of design drawings for the shoring and bracing at the project while the shoring and bracing are in use.	280(5)
If a tunnel is to be cut in sound rock, the constructor shall obtain a written opinion from a professional engineer as to whether the sides and roof of the tunnel need to be supported by rock bolts or wire mesh to prevent the spalling of loose rock.	307(2)
The constructor shall keep available for inspection at a project the design drawings for the primary supports.	307(7)
No constructor or employer shall begin work at a project where a worker may be subjected to compressed air until the following requirements of this section are met: 1. The employer of workers who may be subjected to compressed air at a project shall give a Director written notice of the intended use of compressed air on the project at least fourteen days before beginning work on the project 2. Before work is begun in compressed air, the employer shall obtain written permission from a Director	334(1)(2) (3)
Before work is begun in compressed air at a project, a constructor shall give written notice (containing the required information), (a) to the local police department and the fire department and public hospital nearest to the project; and (b) to a Director, together with the names and addresses of those to whom notice is given under clause (a).	335(1)
The constructor at a project shall provide workers with the sturdy metal or plastic badge required for a worker who works in compressed air. Such a badge shall meet the requirements outlined in subsection 339(2)	339(3)
A constructor shall supply at least one medical lock at a project where work in compressed air is done and shall maintain it ready for operation while work in compressed air is being done.	356(1)
The constructor shall send to a Director before construction of an air lock begins a copy of the design drawings for the air lock.	365(4)
The constructor shall keep at a project a copy of the design drawings for an air lock while the air lock is at the project.	365(5)

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